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Letter dated 2 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the statement from the Revolutionary Government of Cuba, issued on 26 August 2004.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 117 "Human rights questions" and 156 "Measures to eliminate international terrorism"; and of the Security Council.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

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Annex to the letter dated 2 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Revolutionary Government of Cuba

On 25 August 2004, despite repeated warnings from Cuba, Mireya Moscoso, President of Panama, in an underhanded and disgraceful act, signed Decree number 317, pardoning four Cuban-born terrorists, who were detained, tried and sentenced in Panama for the attempted assassination of President Fidel Castro in November 2000.

That decree was issued early this morning, only a few hours after our Ambassador, Comrade Zamora Rodríguez, had left Panamanian territory following his expulsion by the Panamanian authorities as part of a manoeuvre designed to create the conditions for the release of the terrorists Luis Posada Carriles, Gaspar Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodríguez.

The Decree confirms how serious and accurate have been the warnings from Cuba which, right from the moment the terrorists were detained on 17 November 2000, has been warning the Panamanian authorities both publicly and through diplomatic channels about the serious consequences that their release under any pretext would have for Panama's credibility. Cuba's warnings became more insistent from 14 August 2004, when our Government got confirmation, as more accurate information became available, that the terrorists would be pardoned by the outgoing President of Panama.

This last action taken by President Moscoso, in connivance with the United States Government and the Miami terrorist mafia just a week before leaving office, is but the culmination of a process of complicity with terrorism against Cuba and protection of the above-mentioned Cuban-born terrorists which began on 10 April 2001, when the President of Panama herself, through Executive Decisions 58, 59, 60 and 61, rejected our Government's legitimate and well-grounded application of 12 January 2001 for the extradition of the four terrorists, which met all the relevant requirements under Panamanian law and international instruments in force.

The acceptance of our application would have enabled Cuba to try them for the offences perpetrated for decades against its people and which have plunged so many Cuban families into mourning and caused such suffering.

It should be recalled that Luis Posada Carriles was directly responsible, among many other acts of terrorism, for the 1976 sabotage in full flight of a Cubana Aviacion passenger aircraft in which 73 persons perished; for the series of bombings perpetrated against Cuban hotels in the late 1990s, which resulted in the death of a young Italian tourist, Fabio di Celmo; and for many plans to assassinate our Commander-in-Chief. Posada Carriles is a fugitive from Venezuelan justice.

The many offences committed by Gaspar Jiménez Escobedo included the murder in Mexico of the Cuban fishing technician, Artañán Díaz Díaz; he also participated in the preparation of the bombings of Cuban hotels and the training of mercenaries recruited for such terrorist activities. Jiménez Escobedo escaped from prison in Mexico while awaiting trial for trafficking in explosives and drugs.

Guillermo Novo Sampoll was responsible for the placing of explosive devices in Cuban embassies and in the aircraft and ships of countries that trade with Cuba and, as such, could now be extradited by many countries to answer charges; furthermore, as an agent of the cruel dictator Augusto Pinochet's Chilean DINA, he was one of those responsible for the assassination in Washington of Orlando Letelier, Minister for Foreign Affairs of the Unidad Popular Government. Novo Sampoll was also directly involved in the training of terrorists on the territory of the United States of America, who were captured in 2001 in Cuba when they landed on our shores for the purpose of attacking civilian and tourist facilities in Cuba.

Pedro Remón Rodríguez murdered the Cuban diplomat, Félix García Rodríguez, on 11 September 1980 in New York and the Cuban emigrant, José Eulalio Negrín; he also placed bombs in the offices of the Permanent Mission of Cuba to the United Nations in late 1979 and made an attempt on the life of the Cuban Ambassador to the United Nations a few months thereafter.

These are the types of international terrorists that the President of Panama has just pardoned without even taking into account the fact that the proceedings against them had not been concluded. The Panamanian court that tried the terrorists for planning to assassinate our Commander-in-Chief in 2000 sentenced Luis Posada Carriles and Gaspar Jiménez Escobedo to eight years' imprisonment, and Pedro Remón and Guillermo Novo Sampoll to seven years' imprisonment; lawyers representing Panamanian workers', students' and indigenous peoples' organizations objected to the sentences as inconsistent with the seriousness of the offence and also because of irregularities surrounding the trial itself.

President Moscoso did not even wait for the higher courts of Panama to rule on the appeals process, flagrantly violating Panamanian law and displaying utter contempt for her country's judiciary.

Furthermore, as indicated in the communiqué published this morning by the Ministry of the Interior and Justice of the Republic of Panama in announcing the signing by President Moscoso of Decree number 317 pardoning the four terrorists, under article 179 of the Constitution of the Republic of Panama, the President may grant pardons for political offences, reduce penalties and grant conditional release to persons guilty of ordinary offences.

It may be wondered whether President Mireya Moscoso considers terrorism a "political offence". There is nothing "political" about the offences for which the terrorists were tried and sentenced by a Panamanian court. The four terrorists pardoned today by the President of Panama are nothing less than despicable ordinary criminals, terrorists and mercenaries who, in attempting to assassinate Comrade Fidel, would also have caused the deaths of hundreds of Panamanians.

Therefore, Cuba reiterates that the pardon granted by President Moscoso not only violates Panamanian law but also violates international anti-terrorist instruments signed by the Republic of Panama. It is an affront to the victims of terrorism and their families and makes the President of Panama an accomplice to terrorism and party to letting the four terrorists get away with murder.

The Revolutionary Government of Cuba recalls the warning in its official note of 22 August that pardoning the terrorists would lead to the automatic severance of diplomatic relations between the two countries; that warning was reiterated in the note published yesterday, 25 August 2004.

Therefore, pursuant to the agreement of the Council of State, the Revolutionary Government announces that as of this moment, 4.15 p.m. on 26 August 2004, diplomatic relations between the Republic of Cuba and the Republic of Panama, a State that has demonstrated its inability to prevent the horrendous decision that has just been taken against the people of Cuba, have been severed indefinitely.

The President of Panama, an accomplice and harbourer of terrorists, will have to bear the full responsibility for this repugnant and treacherous decision and will also bear responsibility for any new offences that these execrable murderers may commit in future.

Revolutionary Government of Cuba
Havana, 26 August 2004